

**SOLICITOR
CLASHES
WITH STAR
WITNESS
OF BURNS
DEFENSE**

I. H. Hirsch, Grand Juror,
Tells

of Ragsdale's
Conflicting

Testimony Before the
Grand

Jury Last Monday

DORSEY CITES HIM

TO JUROR'S

OATH

Hirsch Strongly Takes
Issue

With Solicitor on This
Point

and Says He Divulged Information Advisedly

A clash between Solicitor Hugh Dorsey and I. H. Hirsch was the feature of Saturday's session of the Burns bribery trials. Mr. Hirsch is a member of the present Fulton County Grand Jury, before which C. B. Ragsdale and R. L. Barber testified on Monday of the present week in support of new indictments presented by the Solicitor against Dan S. Lehon, Arthur Thurman and C. C. Tedder, and he testified for the defense Saturday morning that Ragsdale, on Monday, told the Grand Jury his mind was in a dazed condition on the day he made his famous Affidavit and that he had no recollection of how or where he got the money, knowing of it for the first time when he found it in his pocket on arriving at home that night.

Solicitor Dorsey in his cross examination of Mr. Hirsch severely arraigned him for divulging what took place behind the closed doors of the Grand Jury Room, and Mr. Hirsch met the Solicitor's questions with the statement that he lost no time, after the Grand Jury adjourned, in informing the Defense what Ragsdale said, having previously studied his Grand Juror's Oath and satisfied himself he was violating neither the Spirit nor the Letter of the Oath in divulging the information.

Court took a recess for lunch from 1 until 1:30 o'clock, and at 1:45 o'clock the defense entered the last stage of its case by

placing C. C. Tedder, one of the Defendants, on the Stand to make his statement.

Judge Arthur Powell, leading Counsel for the Defense, commenced by making a Brief statement to the Jury. He said it would not be necessary, so weak was the Case developed by the State, to introduce any evidence or testimony whatsoever, were it not for the fact that Citizens had been implicated by the testimony of "these self-confessed perjurers," and it was right to them and right to the Community for all light possible to be thrown upon the Case.

Judge Powell said the Defense expects to prove by the testimony of Attorney Morris Brandon, by Attorney Luther Rosser, by Mr. Callahan, the notary public who witnessed the Affidavits, and by Mr. Tippet, the Stenographer who took down what Ragsdale and Barber said, that Ragsdale and Barber came to the Office of Mr. Rosser unsolicited and freely and voluntarily made their statements; that they were given no suggestion of any kind as to what they should put into their Statements, and that their Statements were read over to them very carefully before they signed their names.

Attorney Rosser was then put upon the Stand as the first witness, and he was followed by Attorney Brandon.

ROSSER'S TESTIMONY.

Mr. Rosser related the circumstances under which Ragsdale and Barber made their Affidavits substantially as follows:

"I was not in my Office when Ragsdale and Barber came, being at the State Capitol. I was called over the telephone and told that two men were in my Office prepared to make Affidavits to matters very material in the Frank Case. I went at once to my Office and there I found Dan S. Lehon, Mr. Brandon, Ragsdale and Barber."

"Mr. Brandon told me he had started to take their Affidavits, but now, since I had come, would turn the matter over to me."

“Ragsdale did most of the talking. He spoke fluently and easily without any prompting or suggestion of any kind from me or from Lehon. Occasionally Barber interrupted and added some details. What they said in substance, though perhaps not in their exact language, is contained in their Affidavits—no more and no less. After they had finished making their Statements, I questioned them closely as to who they were. Ragsdale gave me the names of a number of people who, he said, would testify to his good Character.”

“Though I do not remember all of these names, I recall that among them was Dr. J. J. Bennett, secretary of the Baptist mission board, Dr. C. W. Daniel, pastor of the First Baptist Church, and Dr. John E. White, Pastor of the Second Baptist Church. I then asked Barber how long he had known Ragsdale and he said he had been a member of Ragsdale’s Church for a good while.”

“I asked them why they had not mentioned these facts, as set out in their Affidavits, before, and Barber explained that owing to the great public excitement over the Case they had been afraid they would suffer if they became involved. Ragsdale explained that Barber, when they overheard the conversation between the two Negroes, had advised him to make no mention of it, owing to the fact that he was a preacher and little known in the Community.”

EDUCATED STATEMENTS.

“When Ragsdale and Barber had finished these explanations I called in Mr. Tippet, one of the Stenographers in the Office, and dictated to him in substance the statements made to me by Ragsdale and Barber. When Mr. Tippet went out to put the statements in type, I went into another part of the Office to another Stenographer and dictated Amendments to Mr. Frank’s extraordinary motion for a new trial, which was then pending, these amendments being based upon the new evidence in the Case as contained in the Affidavits by Ragsdale and Barber. Having finished typewriting the statements, Mr. Tippet went out to get a notary public to witness the signatures of Ragsdale and

Barber. I was not present when they signed their names, but before they

(Continued on last page, column 1)

PDF PAGE 10, COLUMN 1

(Continued from page one.)

signed I read over to them both of the Statements very carefully.

“Ragsdale, on leaving the Office, said to me that he hoped there would be no sensation over the Affidavits. I told him the Affidavits would be read to the Court, and further told him they might be used in the Public Prints, explaining that I had no control over the latter. I think I saw Ragsdale next day, although not close enough to speak to him, and that’s the last time I saw him until the present trial.”

In reply to questions by Judge Powell Mr. Rosser said Lehon was the man he came in contact with during the Burns investigation of the Phagan murder mystery and that he saw Burns only two or three times; that Lehon took no part whatever in the question of Ragsdale and Barber when they were making their statements and had nothing to do with the construction of the Affidavits; that Ragsdale showed no evidence of sleepiness while he was making his statement and never hesitated a moment in answering questions put to him; that he had never had any communication with Thurman or Tedder as to what would go into the Affidavits; that no statement of fact was put into the Affidavits further than what Ragsdale and Barber related themselves.

Asked by Judge Powell how Ragsdale came to be referred to as “Doctor” in the Affidavits, Mr. Rosser smilingly explained that it is customary to call all preachers by this title, the same as it is customary to call all lawyers by the title of “Colonel.”

In reply to questions by Judge Powell, Mr. Rosser said he did not, on the day following the making of the Affidavits, deliberately turn his back on Ragsdale and refuse to speak to him.

"I didn't know him then," remarked Mr. Rosser smilingly. "I might turn away from him now."

This finished Attorney Rosser's direct examination, and he was not cross-examined by Solicitor Dorsey.

Morris Brandon then took the stand. He stated, in substance, the following:

"On the day in question one of the Clerks came into my office and said two men were there who wanted to make Affidavits in the Frank Case. As Mr. Rosser was not in the Office, I went out to see them and take their statements. They told me in substance just what their Affidavits contain. They talked fluently and easily, they seemed sober and in their right mind, and no memorandum was handed to me to use in asking them questions. I never in my life had had any communication with Arthur Thurman or C. C. Tedder and probably would not know them today if I saw them."

Mr. Brandon was cross-examined by the Solicitor for 20 minutes or more. Nothing material was brought out in this cross examination.

STENOGRAPHER TESTIFIES.

Mr. Brandon was followed on the Witness Stand by J. K. Tippet, the Stenographer in Rosser & Brandon's Office, who took down the Affidavits made by Ragsdale and Barber. He corroborated the testimony of Mr. Rosser and Mr. Brandon as to the manner in which the Affidavits were made, saying the Affidavits contained nothing but the substance of the statements by Ragsdale and Barber and further saying Mr. Rosser used no Memorandum of any kind in questioning them.

After giving this testimony Tippet volunteered the information that when he saw Barber on Thursday of the present

week, for the first time in several weeks, Barber was “all dolled up,” looking better than he had ever seen him look, and very much in contrast to Barber’s usual “trampish” appearance every time he had seen him on the streets.

This information was given with the evident intention of making it appear that Barber had been groomed to make a good impression when he came into Court, and Solicitor Dorsey, taking Tippet in hand for the cross-examination, grilled him severely as to his reasons for volunteering the information, and as to who, if anyone, suggested to him that he put this information into his testimony. Tippet gave the Solicitor no satisfaction beyond the explanation that he was struck with the change in Barber’s appearance and mentioned it without suggestion from anyone.

KNEW WHAT THEY SIGNED.

F. B. Callahan, the notary public who witnessed the signing of the Affidavits by Ragsdale and Barber, next took the Stand. He testified that before Ragsdale and Barber put their signatures to the Affidavits, he read over to them very carefully every word in both Affidavits, even reading the titles and preambles, and that neither Ragsdale nor Barber suggested a single change.

John D. Humphries, a lawyer in the Healey building, followed Callahan to the Stand. He testified that on April 22, 1914, the day before the Affidavits were made; Ragsdale and Barber came to his Office and Barber proceeded to tell him of seeing Ragsdale pay a man some money.

Humphries then related what took place in substantially the following language:

“I was then and am now the Attorney for A. Rice King, the nephew and executor of a man named Rice, deceased. Ragsdale, before Rice’s death, had bought a certain piece of property from Rice for \$6,000 and given him a series of notes for the same, one of these being a note for \$1,000. When Rice died this \$1,000 note became misplaced and was not found until a good while later. Meanwhile Ragsdale went to King and got from him the deed to

the property, King not knowing of the unpaid \$1,000 note. When the note was discovered, King placed it in my hands for collection, and I wrote Ragsdale a letter notifying him I would sue if he did not pay the note.”

“When Ragsdale and Barber came into my office, Barber told me that about a year previous, he was sitting in the lobby of a certain hotel one night, with a number of men around, and among them, this man Rice; that presently Ragsdale came in, and, in his presence, paid Rice a right smart bunch of money; the inference being, while Barber did not attempt to say in what transaction the money was paid, that it was the money in payment for the unpaid \$1,000 note.”

On cross examination, Solicitor Dorsey emphasized the point that Barber, in his story, did not undertake to say how much he saw Ragsdale pay Rice nor what he paid him the money for.

MINISTERS ON STAND.

Rev. T. E. McCutcheon and Rev. J. F. Jackson, Baptist Ministers, were next placed on the Witness Stand by the Defense and they swore that in May, 1914, shortly after the Affidavits were made, Ragsdale told them he remembered very little of the circumstances surrounding the making of the Affidavits and had no recollection of receiving the money, knowing of it for the first time when he found it in his pocket at home that night. They further swore Ragsdale told them that when he found the money in his pocket, he determined to go back next day to Attorney Rosser’s Office and look at the Affidavit, which he did and was refused permission to see it, whereupon he went straight to Solicitor Dorsey and told him of finding the \$200 in his pocket and offered the money to the Solicitor, who gave it back to him and told him to keep it, as the money might be needed as evidence.

Solicitor Dorsey on the cross-examination brought from Mr. McCutcheon the admission that Ragsdale told him in February, several weeks before the making of the Affidavits, that he (Ragsdale) frequently had attacks of vertigo caused by a fall.

After Jackson and McCutcheon, came several witnesses who testified that Tedder, on or after April 16, 1914, paid them various amounts he owed them, such as ordinary current bills for living expenses, aggregating \$200, the purpose of this testimony by the Defense being to show that Tedder used the money received from Lehon to pay his debts and not to buy Affidavits.

At this point, the Defense called the names of Sam D. Jones, I. H. Hirsch and M. L. Lively, members of the present Fulton County Grand Jury. Mr. Jones did not answer, and an attachment was issued and he was escorted into Court. Mr. Hirsch did not answer, and an attachment was issued and he was escorted into Court. Mr. Hirsch did not answer, and an attachment was issued for him, but he got in before the Officer found him. Mr. Lively put in appearance shortly after his name was called.

HIRSCH SPRINGS SENSATION.

The testimony of Mr. Hirsch was the feature of the day's session. He swore that Ragsdale, before the Grand Jury on Monday of the present week, to testify in support of new indictments presented by the Solicitor against Lehon, Thurman and Tedder, told the Grand Jury on Oath that his mind was in a daze on the day he made the Affidavit and that he had no recollection of how he got the money.

Solicitor Dorsey went after Mr. Hirsch with extraordinary severity on the cross examination.

"Have you any knowledge of how the Defense came into possession of this information as to what Ragsdale told the Jury?" demanded the Solicitor.

"Yes," answered Mr. Hirsch.

"Do you know what your Oath as a Grand Juror is?"

"I am sure I understand my Oath perfectly, Mr. Dorsey."

"Did you make it a point to see the Defense got this information?"

"I certainly did."

"Yet you had taken an Oath not to divulge what occurred behind those closed doors? Didn't I make a statement in the Grand Jury room when you asked Ragsdale some questions, and didn't you ask him the questions after the other Jurors had said they had heard enough? Didn't I say in my statement that what occurred was not to be repeated?"

"I don't recall your making any such statement, and if you had I would have paid no attention to it. I am bound only by my Oath as a Juror, not by the Dictates of the Solicitor. I have read my Oath over carefully and have followed it."

INTERPRETS HIS OATH.

"I am sworn not to divulge 'the State's Counsel, the Counsel of my fellows, or my own,' but there is nothing in the Oath to prevent by divulging testimony of a witness."

"What was your interest in getting this information to the Defense?"

"I wanted to let the facts come out."

"In what other Cases have you done this?"

"I am serving my first time on the Grand Jury."

"Was it understood, before you went into the Grand Jury Room, that you were to ask Ragsdale those questions?"

"It most certainly was not."

"How long was it before you got this information to the Defense?"

"I went directly to the Office of Harold Hirsch, my brother, who is a member of the firm of Candler, Thompson and Hirsch, and there secured a Copy of my Oath, which I read and studied very carefully."

This closed the cross examination of Mr. Hirsch and Mr. Lively was next placed on the Stand.

Mr. Lively testified that Ragsdale told the Grand Jury, at the time of which Mr. Hirsch testified, that he got the \$200 off a piece of furniture in the Office of Arthur Thurman. As to other details of Ragsdale's testimony before the Grand Jury, Mr. Lively's recollection was not very clear, and the Defense dismissed him in short order, nor did the Solicitor cross-examine him to any extent.

PHOTOGRAPH INTRODUCED.

E. W. Jones, a Photographer of Birmingham, was the next witness. He identified a Photograph taken by him of a page from the register of the Hotel Hillsman, Birmingham, of April 18, 1914, on which were two names—William M. Smith and C. C. Tedder, of Atlanta. The Solicitor objected to the admission of this testimony and objected to the admission of the photograph. Judge Hill, before it was brought out that William M. Smith's name was on the register, let the testimony and photograph go in. But when Smith's name came out, Judge Hill said it could be proved by Smith that Tedder was in Birmingham on that date. To this Judge Powell, of the Defense, replied that he wanted Smith, if put on the Stand, to be put on the State, so the Defense could cross-examine him. The Solicitor, at this, smiled significantly. Finally Judge Powell said: "Well, call Mr. Smith." There was no answer. St. Clair Adams, the New Orleans lawyer associated with the defense, was instantly on his feet.

"We ask that he be arrested your honor," said he. "Very well," said Judge Hill. "Let an Attachment be issued." The Attachment was issued at once and a Deputy went out to arrest Mr. Smith and bring him into Court.

This practically closed the morning session. Some deeds were introduced, showing a transfer of property by Ragsdale to his sons in January, 1914, for an aggregate cash consideration of \$13,500, the purpose of these being to show that Ragsdale could have been plentifully supplied with cash from this source in the

Spring of 1914, without getting money for making Affidavits in the Frank Case. Court here took a recess of thirty minutes for lunch and reconvened at 1:30. Judge Hill said he would run until the Jurors got tired, at which point he would adjourn until Monday morning.

Being brought into Court, William M. Smith testified that he and Tedder went to Birmingham on April 18; that he (Smith) went as an employee of Solicitor Dorsey, while Tedder went as an employee of the Burns Agency; that he (Smith) knew Tedder was employed by the Burns people, and so did the Solicitor; that he interviewed a Mrs. Smith for the Solicitor, and Tedder was present and helped him in the interview; that they were in Birmingham three days together and Tedder then went to Chattanooga on a further mission for the Burns people.

TEDDER TAKES STAND.

After Attorney Smith came C. C. Tedder, one of the Defendants, who took the Stand and commenced his statement at 1:45 o'clock.

Tedder said before accepting employment with the Burns Agency, he went to Smith and asked the latter's advice, that Smith told him to wait until he (Smith) could see the Solicitor and ask the Solicitor's advice, that shortly Smith reported that the Solicitor had said go ahead and work for the Burns people, and that accordingly he made a Contract on April 16 and was paid \$250 advance salary and paid \$250 for expenses. Tedder then gave a detailed account of how he spent his money.

As to the making of the Affidavits by Ragsdale and Barber, Tedder said he made an Affidavit to the Solicitor concerning this transaction a few days after the Affidavits were made, and he would now read this Affidavit, which he did, it being the same Affidavit introduced as a part of the State's documentary evidence early in the trial.
